IN THE HIGH COURT OF JUDICATURE OF BOMBAY

IN ITS INSOLVENCY JURISDICTION

PETITION NO. 101 OF 2004

Re:

Shailesh Jayantilal Shan & Anr. .. Debtors

Ex-parte

The Rajkot Nagrik Sahakari Bank Ltd. .. Petitioning Creditor.

...

None present for the judgement debtors.

Mr.Yogesh H. Vora for the petitioning creditor.

CORAM : D.G. KARNIK, J

DATED : 20th June 2006.

P.C.:

1. Heard learned counsel for the petitioning creditor. None present for the judgement debtor.

2. The petitioning creditor has obtained a money decree against the judgement debtors in Suit no.1817 of

1998 in the Board of Nominees Court at Ahmedabad. The amount due under the money decree was not paid. The petitioner therefore served an insolvency notice on the judgement debtor (Notice no. N/17 of 2004). An affidavit of service of the insolvency notice has been filed. Despite service of insolvency notice, the judgement debtors have not paid the money and has thereby committed the act of insolvency.

3. Notice of this petition was served on the judgement debtor and an affidavit of service dated 16th January 2006 sworn by Mr.Janak R. Shah is filed. The judgment debtors have not appeared and contested the petition. They have not challenged the averments made in the petition. Hence, petition is made absolute in terms of prayer clause(a).

(D.G. KARNIK, J)